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March 13, 2013

VIA E-MAIL

Hon. Paul A. Engelmayer
United States District Court
Southern District of New York
500 Pearl Street, Room 660
New York, NY 10007
EngelmayerNYSDChambers@sbsd.uscourts.gov

Re: *Kreisler v. Abid et al.*
Civil Action No.: 12-cv-4052 (PAE)

Dear Judge Engelmayer:

This office represents Defendants Parker East 24th Apartments, LLC ("Parker East") and Parker 24 Commercial Associates, L.P. (incorrectly identified in the caption as "Parker Commercial 24th Associates") in the above-referenced matter. On March 13, 2013, Parker East filed a motion to vacate the default judgment issued against it under Federal Rule 60(b)(1) and to strike confidential settlement communications filed by Defendant Kais Abid (*see* Docket No. 72, #1-17). Under Your Honor's Individual Practice Rule 4(B), we write to respectfully request the Court's permission to file a document under seal in connection with this motion.

As set forth more fully in the motion papers, Parker East's default was not willful and the default judgment should be vacated. Counsel for Defendant Kais Abid, Paul Steinberg, Esq., made certain representations to Parker East's non-attorney representative, Ms. Cynthia Wong. These included a representation that his client would provide Parker East with a defense in this action. In addition, Mr. Steinberg sent an e-mail on October 12, 2012 to *both* Mr. Abid and Ms. Wong, which discussed the merits of Plaintiff's claims for injunctive relief and a legal strategy for responding. Based on this e-mail, and the other representations outlined in the motion papers, Ms. Wong had a reasonable and good faith belief that Defendant Abid would defend Parker East. Parker East was not, however, represented by counsel at the default judgment hearing on December 10, 2012 and a default judgment was subsequently issued. On December 18, 2012, this office was retained to represent Parker East in this action.

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We respectfully request leave to file Mr. Steinberg's e-mail of October 12, 2012 in redacted form, and to file an unredacted copy under seal. This redaction is necessary because the document discloses legal advice being provided by Mr. Steinberg to both Mr. Abid and Ms. Wong regarding this action.

A copy of this document is enclosed for the Court's review. It is also referenced, but not attached, to the Affidavit of Cynthia Wong dated March 13, 2013 (*see* Docket No. 72, #7). We have highlighted the portions of the enclosed document to be redacted. *We also respectfully request that this e-mail not be shared with Plaintiff or his attorney, or filed on the docket.*

Should the Court have any questions or concerns, please do not hesitate to contact the undersigned attorney. We thank the Court for its time and attention to this matter.

Respectfully submitted,

SEYFARTH SHAW LLP



John W. Egan

JWE
Enclosure

cc: Gary S. Ehrlich, Esq.
Barry N. Frank, Esq.
Adam T. Shore, Esq. (w/o enclosure)